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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,481	03/23/2004	Joseph F. Wozniak		3040
43526	7590	06/23/2005	EXAMINER	
JOSEPH F. WOZNIAK 954 QUINCY DRIVE BRICK, NJ 08724			PARSLEY, DAVID J	
			ART UNIT	PAPER NUMBER
			3643	
			DATE MAILED: 06/23/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/807,481	WOZNIAK ET AL.
	Examiner	Art Unit
	David J. Parsley	3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 March 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 23 March 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Specification

2. The disclosure is objected to because of the following informalities: it contains no brief description of the drawings section and it contains no description of drawings using the reference numerals found in the drawing figures.

Appropriate correction is required.

Claim Objections

3. Claim 1 is objected to because of the following informalities: on line 7 "the main body" lacks antecedent basis and should be - -a main body- -. Appropriate correction is required.

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Claim 1 is objected to because of the following informalities: it contains more than one sentence. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In line 9, it is unclear to what the any other fishing areas are. Further, in line 14 it is unclear to what is claimed by the term "etc."

The term "type" in claim 1 is a relative term which renders the claim indefinite. The term "type" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,092,263 to Hutchison et al. Hutchison et al. discloses a personal convenient stable and safe device for holding, transporting and having readily cut and live fishing bait including two appendages, to hold tools to assist the fisherman and a beverage holder that attaches by hanging from the railing of a boat pier dock or stands alone on a flat surface of any fishing area – see for example figures 1-3, comprising a container – at 8,8a, being box-shaped – see for example figures 1-3, including a bottom wall, a front, a back and first and second side walls defining a principle chamber with an open top – see for example figures 1-3, two J-shaped brackets, handles or arms – at 1, the spring attached at – 1 and – at 9, extending from the main body of the device – see for example figures 1-16, facing in opposite directions enabling the device to attach and hang to the railing of a boat, pier railing, dock railing or any other fishing area with any railing type of structures present – see for example figures 1-16, the J-shaped brackets or handles or arms, provide stability in turbulent conditions, and the device may be placed on a flat surface when no railings are available – see for example figures 1-8, two appendages – at 12,22, or 10 or 21 or 20, on either side of the box-shaped container – see for example figures 1-2, incorporating a tool holder – at 22 or 9 or 20, and a beverage holder – at 8b,21, to accommodate a variety of sizes of beverage including cans, cups and bottles – see for example figures 1-2, and allowing for interchangeability by allowing the device to hang from railings with either of the two appendages on the side of preference of the fisherman – see for example figures 1-16.

Conclusion

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6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to fishing bait/tackle holders in general:

U.S. Pat. No. 3,159,441 to Sikma – shows container with J-hooks
U.S. Pat. No. 3,668,739 to Lewis – shows boat-mounted container
U.S. Pat. No. 3,765,632 to Riggs – shows boat-mounted container
U.S. Pat. No. 3,775,895 to Jachim – shows boat-mounted container
U.S. Pat. No. 4,671,009 to Faunce – shows boat-mounted container
U.S. Pat. No. 5,125,183 to Tisdell – shows fishing container
U.S. Pat. No. 5,159,777 to Gonzalez – shows fishing container
U.S. Pat. No. 5,303,500 to Luukonen – shows fishing container
U.S. Pat. No. 6,105,305 to Edens – shows boat-mounted container
U.S. Pat. No. 6,367,403 to Carter – shows boat-mounted container
U.S. Pat. No. 6,382,490 to Divincenzo – shows fishing container
U.S. Pat. No. 6,446,382 to Cloutier et al. – shows fishing container
U.S. Pat. No. 6,487,814 to Arredondo et al. – shows fishing container

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Parsley whose telephone number is (571) 272-6890. The examiner can normally be reached on 9hr compressed.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DP

David Parsley
Patent Examiner
Art Unit 3643

Peter M. Poon

PETER M. POON
SUPERVISORY PATENT EXAMINER

6/22/05